

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA

STEVE AXELROTH :

vs. :

CINDY LONESS CARPENTRY, :
JOHN LONESS, CINDY LONESS, :
BERN TOWNSHIP, and POLICE :
OFFICER MICHAEL A. HOFFERT :
BADGE NO. 005 :

CIVIL ACTION NO. 02-CV-4418

NON-JURY, DAMAGES ONLY TRIAL –
TRIAL MEMORANDUM OF THE LONESS DEFENDANTS

Defendants Cindy Loness Carpentry, John Loness and Cindy Loness, by their attorneys, submit this Trial Memorandum for the non-jury trial to be held on April 30, 2003 on the issue of damages only.

I. EXHIBITS

The Loness Defendants do not expect to present any exhibits at this trial. If the non-jury trial on damages is postponed, the Loness Defendants reserve the right to have Plaintiff examined and to have a report on his injuries prepared. Plaintiffs may also seek discovery on the issue of Plaintiff's damages in this case.

II. EXPERTS

The Loness Defendants do not expect to call an expert witness in this case. If the non-jury trial on damages is postponed, the Loness Defendants reserve the right to retain an expert in this case.

III. CURRICULUM VITAE FOR EACH EXPERT

None at this time. See above response.

IV. FACT WITNESSES/EXPECTED TESTIMONY

Defendants John Loness and Cindy Loness will testify that they were not present when Mr. Axelroth was handcuffed and transported from Abington to Bern Township.

Defendant Officer Michael A. Hoffert will testify regarding his handcuffing of Mr. Axelroth and the circumstances surrounding the trip from Abington to Bern Township when Mr. Axelroth allegedly complained that his handcuffs were too tight.

The Loness Defendants will cross-examine Plaintiff, Steve Axelroth, regarding his alleged injuries and the alleged damages he has sustained as a result.

V. STATEMENT OF CLAIMANT'S DAMAGES

See Plaintiff's Trial Memorandum.

VI. STATEMENT OF LEGAL AND PROCEDURAL ISSUES

The Loness Defendants have filed a Motion to Vacate Entry of Default and to Dismiss Complaint. It is their contention that the default against them was improperly entered and that original service upon them was never made. See Motion to Vacate Entry of Default and to Dismiss Complaint.

VII. NAMES AND ADDRESSES OF ALL PARTIES

Plaintiff, Steve Axelroth

Defendants, Bern Township and Police Officer Michael A. Hoffert

Defendants, Cindy Lonest Carpentry, Cindy Lonest, John Lonest, 519 Curtis Avenue,
Reading, PA 19605.

VIII. INFORMATION ON TRIAL COUNSEL

Edwin L. Stock, Esquire, Roland & Schlegel, P.C., 627 North Fourth Street, P.O. Box
902, Reading, PA 19603. Telephone Number - (610) 372-5588.

IX. OTHER MATTERS

As set forth above and in the Lonest Defendants' Motion to Vacate Entry of Default, the
Lonest Defendants believe that this non-jury trial on damages only should be postponed pending
a decision by this Court on their Motion. It is a waste of judicial resources to hold a trial based
on a default that may be vacated.

Respectfully submitted,

ROLAND & SCHLEGEL, P.C.

By: _____
Edwin L. Stock, Esquire
627 North Fourth Street
P.O. Box 902
Reading, PA 19603
(610) 372-5588

Counsel for Defendants, Cindy Lonest
Carpentry, John Lonest and Cindy Lonest

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA

STEVE AXELROTH	:	
	:	
vs.	:	
	:	
CINDY LONESS CARPENTRY,	:	CIVIL ACTION NO. 02-CV-4418
JOHN LONESS, CINDY LONESS, :	:	
BERN TOWNSHIP, and POLICE :	:	
OFFICER MICHAEL A. HOFFERT :	:	
BADGE NO. 005	:	

CERTIFICATE OF SERVICE

I, EDWIN L. STOCK, ESQUIRE, certify that on the 17th day of April, 2003, I served a true and correct copy of the within Trial Memorandum addressed as follows:

Gregg L. Zeff, Esquire
Frost & Zeff
Pier Five at Penn's Landing
7 North Columbus Boulevard
Philadelphia, PA 19106-1492

Andrew Bellwoar, Esquire
Siana, Bellwoar & McAndrew, LLP
941 Pottstown Pike
P.O. Box 630
Exton, PA 19341

by depositing copies thereof in the United States Mail, first class, postage prepaid.

Edwin L. Stock, Esquire